IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24360 of 2004

Between:

Smt. E. Vijaya Durga, W/o Sambasiva Rao, Flat No.401, Neeraj Apartments, Road No.5, Mahindra Hills, Secunderabad.

..... PETITIONER

AND

1.. The Secretary,

Department of Petroleum and Natural Gas,

Union Government of India, Shastry Bhavan, New Delhi

2.. I.B.P. Company Limited,

10, Mayor Ramanathan Street, Chetput,

Chennai, Rep by its General Manager

3.. The Divisional Manager,

I.B.P. Company Limited, D.No.9/1/83 & 84

Amarchand Sharma Complex, SD Road, Secunderabad

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly, one in the nature of a Writ of Mandamus (a) to declaring the action of 2nd and 3rd respondents in conducting the interviews on 29-11-2004 relating to contract of maintenance of handling of I.B.P. Retail Outlet, Begumpet, Hyderabad, contrary to the guidelines and parameters issued by the Ministry, Union Government of India, vide letter NO.P-19012/116/99-IOC dated 4-10-1999 and (b) to consequently set aside the so called interviews held on 29-11-2004 (c) to declare the action of the respondents in taking

steps to evict the petitioner from IBP Retail Outlet, Begumpet, Hyderabad without considering the representation dated 20-12-2004 made by her for extension of contract and without selecting the candidate as per the above guide lines issued by the Ministry, Union Government of India, Vide letter No.P-19012/116/99-IOC dated 4-10-1999 as illegal, arbitrary, violation of guidelines and parameters and against the principles of natural justice, and (d) to consequently direct the respondents to continue the petitioner to operate the said IBP retail outlet, Begumpet, Hydeerabad , and (e) and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.KANAKAMEDALA RAVINDRA KUMAR

Counsel for the Respondents: MR.DEEPAK BHATTACHARJEE

The Court at the stage of admission made the following :

ORDER:

The present writ petition is filed questioning the action of the respondents 2 and 3 in conducting interviews on 29-11-2004 relating to contract of maintenance of handling of I.B.P. Retail Outlet, Begumpet, Hyderabad contrary to guidelines and parameters issued by the Ministry, Government of India vide letter No.P-19012/116/99-IOC dated
4-10-1999.

This Court by order dated 27-12-2004 directed the parties to maintain status quo and thereupon the matter underwent two adjournments. Today, when the matter is taken up, learned Standing Counsel for respondents 2 and 3 submitted that the selection process itself is cancelled and the respondent company has taken a policy decision to run the subject petroleum bunk on its own. Learned Standing Counsel also filed an affidavit sworn by the third respondent to that effect. The operative portion, reads as under;

“I respectfully submit that, I have received instructions from my superior authorities in the Head office and Regional Office to state that, the interviews conducted for selection of maintenance and handling contractors on 29-11-2004 and the recommendation of the selection committee pursuant to the said interview are cancelled.

In view of the policy decision taken by the respondent company to run the subject petroleum bunk on its own, no further orders are required to be passed in the present writ petition. Accordingly, the same is dismissed. However, the petitioner is granted time till 3-1-2005 up to 5-00 P.M. to vacate the subject premises and hand over the possession to the respondent company. If the possession is not handed over within the period stipulated, the respondents are at liberty to take over the possession of the same. No costs.

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N.V.RAMANA,J

31-12-2004

TVK

To

1.. The Secretary,

Department of Petroleum and Natural Gas,

Union Government of India, Shastry Bhavan, New Delhi

2.. I.B.P. Company Limited,

10, Mayor Ramanathan Street, Chetput,

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